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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,359	12/14/2001	Michael Joachim Wolf	Q67426	1154

7590 05/29/2007  
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213

EXAMINER
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JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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05/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/014,359

Applicant(s)

WOLF ET AL.

Examiner

Prenell P. Jones

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 10, 14, 18 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 1, 13, 15-17, 19, 20, 24, 26 and 28 is/are rejected.
- 7) ☒ Claim(s) 3-9, 11, 12, 25 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the cited prior art fails to teach or suggest phase adjusting as associated with internal clocks. Examiner has reworded previous rejection using the same prior art, as to show that the internal clocks are phase adjusted/shifted with respect to delay time.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 15-17, 19, 20, 24, 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamamoto et al (US Pat 5,987,619).

Regarding claims 1, 15-17, 19, 20, 24, 26 and 28, Hamamoto discloses a phase compensation circuit that includes a first and second delay circuit along with associated internal clocks (INTCLK, INTDCLK, DCLK1 and DCLK2), wherein signals are eventually outputted and a clock signal generation circuit that receives clock signals, and delay circuits that receive internal first/second clock signals, delay first internal clock and delay second internal clock, (Abstract, Fig. 7-9, col. 2, line 21-54, col. 5, line 7 thru col. 6, line 47), and adjusting/shifting (Fig. 7, col. 5, line 45 thru col. 6, line 7) one delayed internal clock to match another delayed internal clock, resulting in the matching internal clock

Art Unit: 2616

signals, and a first and second clock signals are external clock signals (Fig. 7, 8, 9, 10 & 11)

***Allowable Subject Matter***

1. Claims 2, 10, 14, 18 and 21-23 are allowed over prior art.
2. Claims 3-9, 11, 12, 25 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Although the combined cited art discloses phase compensation associated in a telecommunication environment wherein utilization of a first/second delay unit along with corresponding first/second clock signals and associated delay time, and adjusting the phase, they fail to teach or suggest with respect to claims 3 and 4, first delay time corresponds to a maximum expected phase difference and/or maximum expected propagation time difference between at least one first clock signal and the second clock signal, with respect to claim 5, selecting one of the at least one first delayed clock signal and the second delayed clock signal and optionally one of the at least first clock signal and the second clock signal, where the respective selected, at least one first delayed clock signal or second delayed clock signal serves to synchronize the compensation module, with respect to claim 8, when first delayed clock signal is selected instead of the second delayed clock signal, the delayed first clock signal present at an output end of the first delay means is adapted by adjusting, with respect to claim 9, the first or second start value is performed only upon attainment of a predetermined first deviation tolerance value, while the converse applies upon the attainment of a second deviation tolerance value which is smaller than the first deviation tolerance value, with respect to claims 10 and 11, phase adjustment changes the second delay time of second delay means in

Art Unit: 2616

dynamic step sizes, a respective step size being modified as a function of the respective phase difference, with respect to claim 14, a SDH transmission network that includes a compensation module for clock signals in the network with SDH, with respect to claim 18, code executed by control means on a console of a network device for a transmission with a SDH, with respect to claim 25 and 27, predetermined second delay time is greater than the predetermined first delay time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

May 14, 2007

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER

5/14/07